



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,890	06/30/2003	Eric I. Horvitz	MS302415.1 / MSFTP461US	8390
27195 7590 01/11/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 01/11/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
osteuball@thepatentattorneys.com

Office Action Summary

Application No.

10/609,890

Applicant(s)

HORVITZ ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-16, 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The RCE and amendment, both filed 10/11/07, have been entered. Note that the After Final amendment filed 8/27/07 has NOT been entered.

2. Claims 1, 2, 5, 7-16, 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "...sets of items, comprising one or more of ... presentation...or..." and thus this feature could be reasonably read as merely one presentation, yet plural sets of plural items are required. It is not clear how one presentation for example could fulfill the requirement of sets of items. Even if this were corrected to recite "presentations," still, it would seem to only fulfill "items" but not to fulfill "sets of items" in that merely "one or more" is recited. The recitation renders the claim vague and indefinite. Claims 2, 5, 7-16, 18-21 depend from claim 1 and thus are rejected as well.

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. This claim recites a computer readable medium which may in fact be a signal. Such a medium is not statutory subject matter.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 7-16, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al (2003/0219226) and Moore et al (2004/0230599).

6. Regarding claim 1, Newell et al show: a data presentation system (abstract), comprising:

a decomposition component that automatically segregates at least one information item into a collection of subcomponents relating to the item by analyzing properties of the item including the item content (Figures 1A-B, para 9, para 19, para 28-29); and

an interface component to render the subcomponents in a graphical manner to facilitate user processing and interaction with the information item (Figure 2, para 22, 23). Newell et al do not go into all the details that the interface component further includes "a preview display enabling users to inspect sets of items, comprising one or more of text applications, projects, tasks, presentation, graphics applications, or email documents," but do mention efficient presentation to the user for organization. (This feature as recited in the claim is vague and indefinite as described above, but Examiner

Art Unit: 2174

will attempt to interpret it as meaning only one of those in the list is necessary such as presentation or a text application.) Furthermore, Moore et al do show this (for example a text application or presentation - Figures 10-13, 17-18, 36, para 113, 140, 176 for example) for efficient presentation to the user for organization. It would have been obvious to a person with ordinary skill in the art to have this in Newell et al, because it would allow efficient presentation to the user for organization. In Newell, the interface component provides interactive representations allowing users to inspect among the subcomponents of the items at a focus of attention before launching a full application (Newell et al para 31, 33, 38, and note that only this is necessary to fulfill the alternative language in the claim). the interface component and the decomposition component can be coupled with an offline or real-time analysis using principles of continual computation, and provide caching of rendered results so as to minimize latencies in real time (Newell et al para 48, 49, and 50).

7. Regarding claim 2, the interface component renders rich previews of files, and/or other digitally stored items, in the form of interactive graphical representations of computational items or files (Figure 4, para 26, 27).

8. Regarding claim 5, the interface component employs interactive graphics to expand the subcomponents into cognitive chunks to be processed by users (para 38).

9. Regarding claim 7, the decomposition component is applied to rich

previewing within applications as a process for inspecting and navigating among components of an item being extended or refined (para 38, 47).

10. Regarding claim 8, the interface component renders data, files, or documents along a 2 or 3 dimensional axis as an icon or display object corresponding to a parameter of the item represented (being in alternative form, this claim is satisfied by a 2 dimensional grid with display object. This is in Newell et al Figures 1A-B).

11. Regarding claim 9, the interface component enables a user to move a cursor along the axis having a preview pane that displays pages corresponding with particular point(s) on the axis (para 34, 36).

12. Regarding claim 10, the interface component enables a user to open an item at a selected location of interest (para 34, 36, 41).

13. Regarding claim 11, the interface component displays the subcomponents having a depth display that is indicative of file size or other predetermined metric (para 39, 40, 41).

14. Regarding claim 12, the interface component includes features to enable hover, dwell, and clicking commands, providing options to zoom in, or change

Art Unit: 2174

configurations of a visualization in accordance with a user's intentions or inferences to see or inspect more closely (para 28, 30).

15. Regarding claim 13, the interface component includes various dimensions, shapes, user controls, sizing, groupings, content renderings, colors, sounds, images, and other utilities for interacting with the subcomponents of the item (para 28, 30).

16. Regarding claim 14, the interface component enables a user to observe a last page that was edited (para 43, 44).

17. Regarding claim 15, note a development environment allowing third parties to design and test different preview variants for use in a more general operating system platform (see para 44-45 and 50).

18. Regarding claim 16, note a set of preference controls that change by type of the item, preview visualizations and access behaviors associated therewith (para 45, 49, 50).

19. Claim 21 shows the same features as claim 1 and is rejected for the same reasons.

20. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al (2003/0219226) and Moore et al (2004/0230599) and Card et al (2005/0005246).

21. Regarding claim 18, in addition to that mentioned for claim 1, Newell et al do not go into the details of the three dimensional isometric set of pages, but do mention convenient navigation techniques in an interface. Furthermore, Card et al do show a three dimensional isometric set of pages, for convenient navigation techniques in an interface (abstract, Figures 5B, 8, 11, 19, para 77, 92-94). It would have been obvious to a person with ordinary skill in the art to have this in Newell et al, because it would be a convenient navigation technique in an interface.

22. Regarding claim 19, the pages are pulled from a stack of page subcomponents (see para 78 in Card et al). As mentioned in paragraph 24 of this Office Action, Newell et al do not show the set of pages in the three dimensional form, but it would have been obvious to a person with ordinary skill in the art to have this in Newell et al, with the subcomponents in Newell et al thus now being pages, in that it would be a convenient way to navigate subcomponents in an interface.

23. Regarding claim 20, note the highlighting in the subcomponents of Newell et al (para 26, 28, 30). The reasons for obviousness that these subcomponents are pages is the same as that mentioned in paragraph 21 of this Office Action.

24. Applicant's arguments filed have been fully considered but they are not persuasive. Please note that the amendment filed 10/11/07 is different than the proposed After Final amendment dated 8/27/07, and that the current ambiguous recitation in claim 1 diminishes the potential merit of the added features over the prior art of record. Also, for example, the alternative language interprets the "inspect, probe, or navigate" feature as merely inspecting, which is shown in Newell et al. Newell et al also brings out the item content. Examiner attempted to contact applicant's representative to discuss possible remedies to the claims. Applicant's representative is invited to contact Examiner.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
